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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,959

05/19/2006

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12/10/2008

EXAMINER

BECKER, JOHN E

ART UNIT

PAPER NUMBER

4177

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,959	<b>Applicant(s)</b> FRAUHAMMER ET AL.	
	<b>Examiner</b> JOHN BECKER	<b>Art Unit</b> 4177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/19/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the preliminary amendment filed on May 19, 2006

#### ***Information Disclosure Statement***

2. The references in the information disclosure were reviewed as prior art.

#### ***Specification***

3. The specification is objected to because the drawings include the following Figure not mentioned in the description: Figure 4. Appropriate correction is requested.

#### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: claim 1 states, “a hand-held power tool with a replaceable tool fitting in which...” The phrase “in which” is not one of the standard transitional phrases “comprising”, “consisting essentially of”, and “consisting of,” [MPEP 2111.03 (R-3)]. Appropriate correction is required.
5. Claim 7 is objected to because of the following informalities: claim 7 states, “the fastening profile (30) is a radially protruding, lug-shaped projection.” The modifier “lug-shaped” is unnecessary as it provides no limitation. Appropriate changes include “the fastening profile (30) is a radially protruding lug,” or “the fastening profile (30) is a radially protruding projection.” Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-3 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Baumann et al. (6,536,780) (hereafter known as Baumann; Note: Baumann is the sole prior art reference cited for this application and was supplied by applicant in the information disclosure statement.)**

Per **claim 1**, Baumann discloses a hand-held power tool with a replaceable tool fitting (12)

in which at least one movably supported profiled body (18, 42, 44) on an output spindle (110) or on the tool fitting (12) of the hand-held power tool and at least one profiled recess (82) on the output spindle (110) or on the tool fitting (12) are shaped and situated in such a way that when the tool fitting (12) is slid onto the output spindle (110), the at least one profiled body (18, 42, 44) engages in detent fashion in the at least one profiled recess (82), (Fig 1, 2),

achieving both an axial locking and a rotary driving of the tool fitting (12) on the output spindle (110) (col 1, lines 23-26; col 3, line 34-35),

wherein means (30, 100) are provided, which, through a rotating and sliding motion of the tool fitting (12) on the output spindle (110), guide the profiled body (18, 42, 44) into the profiled recess (82), (Fig 1, 2; col 3, lines 42-54; col 1, line 66 – col 2 line 3;

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when the spindle 110 is inserted into the tool holder 12, the teeth 30 on the tool holder may hit the protrusions next to the mating recesses 100 on the spindle sleeve, blocking the entry of the spindle into the tool holder. With a rotating motion, the teeth 30 are aligned with the mating recesses 100; with a subsequent sliding motion, the teeth 30 are inserted in the mating recesses 100. The movably supported profiled bodies 18, 42, and 44 are then locked in detent fashion into the profiled recesses 82.)

Per **claim 2**, Baumann discloses the output spindle (110) or the tool fitting (12) is provided with a radially circumferential shoulder (shoulder of mating recesses 100), (Fig 1, 2);

the tool fitting (12) or the output spindle (110) is provided with at least one fastening profile (30) that strikes against the shoulder (100) when the tool fitting (12) is slid onto the output spindle (110), (Fig 1,2);

for each of the provided fastening profiles (30), the shoulder (shoulder of 100) has a respective break feeding into a groove (100), (Fig 1, 2);

and the at least one fastening profile (30) and the associated groove (100) are situated in relation to the at least one profiled body (18, 42, 44) and the associated profiled recess (82) so that as the fastening profile (30) is sliding into the associated groove (100), the profiled body (18, 42, 44) is guided into the associated profiled recess (82), (col 3, lines 42-54, Fig 1, 2).

Per **claim 3**, Baumann discloses the at least one groove (100) is situated in series before or after the at least one profiled recess (82) in the direction of the longitudinal axis of the output spindle (110), (Fig 1).

Per **claim 6**, Baumann discloses the at least one groove (100) is situated offset from the at least one profiled recess (82) in the circumference direction of the output spindle (110), (Fig 1, 2; In Fig 2, the profiled bodies 44, 42, and 18 are offset circumferentially from the teeth 30 on base body 14. Since the teeth 30 and the profiled bodies 44, 42, and 18 are offset, the corresponding recesses 100 and 82 are also offset.)

Per **claim 7**, Baumann discloses the fastening profile (30) is a radially protruding, lug-shaped projection formed onto the tool fitting (12) or the output spindle (110), (Fig 1, Fig 2).

Per **claim 8**, Baumann discloses a support ring (20) is provided, which is supported in sprung fashion (by spring 124) in the direction of the longitudinal axis of the tool fitting (12), is slid by the at least one profiled body (18, 42, 44) when the tool fitting (12) is being slid onto the output spindle (110) (Fig 1, 2; when spindle 110 slides into tool fitting 12, the profiled body 18, 42, or 44 contacts the outer surface of the spindle 110, said surface pushes the profiled body in, and said profiled body slides the support ring 20 against the spring 124) and covers the at least one profiled body (20) when the latter is engaged in its profiled recess (82), (Fig 1, 2).

Per **claim 9**, Baumann discloses a release sleeve (22) is provided, which is able to slide the support ring (20) so that the at least one profiled body (18, 42, 44) is able to come out of its profiled recess (82), (col 2, line 66 – col 3, line 2).

***Allowable Subject Matter***

8. Claim 4 is allowed. While Baumann does have a profiled recess and a groove used to guide the tool fitting into alignment with the spindle, the profiled recess does not constitute the entry for the groove. This feature is not found independently or in combination in the prior art.
9. Claims 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN BECKER whose telephone number is (571)270-7536. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Yao can be reached on 571-272-1224. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JB/

December 3, 2008

/Sam Chuan C. Yao/  
Supervisory Patent Examiner, Art Unit 4111